



PL140964. As a result, he was returned to the Police Officer title. Subsequently, a position for Police Sergeant became available and Olsen was appointed on June 3, 2015. However, the appointing authority failed to request a certification at that time. Agency Services notes that the that Olsen has been performing the duties of a Police Sergeant since June 3, 2015. In support of its request, Agency Services attaches additional documentation including Runnemedede Resolution #15-96 dated June 3, 2015 which indicates Olsen's appointment as a Police Sergeant effective June 3, 2015 and "Borough of Runnemedede Detail Time Worked by Employee Id" sheets for Olsen for the pay periods ending June 7, 2015 through March 26, 2017.<sup>4</sup>

### CONCLUSION

A retroactive appointment date "for seniority purposes only" may be approved when it is evidenced that an appellant could have been appointed on the subject date, but through error on the part of either the appointing authority or the Civil Service Commission, received a later appointment date, or for other good cause. *See N.J.A.C. 4A:4-1.10(c)*. The "for seniority purposes only" appointment designation establishes that an appellant has no claim for or entitlement to back pay. However, such an award establishes that for seniority-based programs, such as salary step placement, layoffs, and vacation leave time entitlement, seniority is predicated upon the retroactive appointment date. *See In the Matter of Wayne A. Robbins* (Merit System Board, decided September 5, 1991).

The Commission notes that Runnemedede could have requested a certification from the PM5150N list prior to March 2017 and Olsen could have been permanently appointed effective June 3, 2015. However, due to administrative error, Olsen was not appointed to the Police Sergeant title until March 29, 2017. As noted previously, Olsen has been serving as a Police Sergeant since June 3, 2015. Therefore, based on the foregoing, it is appropriate to grant a retroactive date of permanent appointment to the appellant as Police Sergeant effective June 3, 2015, for seniority and record keeping purposes.

### ORDER

Therefore, it is ordered that Olsen receive a date of permanent appointment to Police Sergeant of June 3, 2015, and all of his seniority based benefits be adjusted accordingly.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

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<sup>4</sup> It is noted that the entry for the pay period ending June 7, 2015 indicates, "Earning E05 Police Sergeants Pay."

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 18TH DAY OF JULY, 2018

*Deirdre' L. Webster Cobb*

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Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

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